

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LISA G. BEYER,

CV 03-714-JE

Plaintiff,

ORDER

v.

BAKER SCHOOL DISTRICT 5J and
DAVID S. GILES,

Defendants.

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BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#95) on February 14, 2005, in which he recommended the Court grant Defendants' Motions for Summary Judgment (#53, #58) as to Plaintiff's federal claims. The Magistrate Judge also recommended the Court decline supplemental jurisdiction of Plaintiff's state law claims, or, in the alternative, grant Defendants' Motions for Summary Judgment on Plaintiff's state law claims for intentional infliction of emotional distress, constructive discharge, and discrimination and deny Defendants' Motions as to Plaintiff's state law claims for battery. Plaintiff and Defendants filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and

Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#95) and, accordingly, **GRANTS** Defendants' Motions for Summary Judgment (#53 and #58) with respect to Plaintiff's federal claims. The Court, in its discretion pursuant to 28 U.S.C. § 1367(c), **DECLINES** to exercise supplemental jurisdiction over Plaintiff's state law claims and **DISMISSES** these claims **without prejudice**.

IT IS SO ORDERED.

DATED this 17th day of May, 2005.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge

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